



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/044,363 | 01/11/2002 | Timothy Hun | 67,200-632 | 8231 |

7590 01/11/2005

TUNG & ASSOCIATES
Suite 120
838 W. Long Lake Road
Bloomfield Hills, MI 48302

| |
|----------|
| EXAMINER |
|----------|

RIMELL, SAMUEL G

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2165

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,363

Applicant(s)

HUN ET AL.

Examiner

Sam Rimell

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2175

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodersen et al. (U.S. Patent 6,405,220).

Claim 1: FIG. 1 illustrates a plurality of server computers (1, 21a, 21b, 21c). Each of the computers is readable as a server computer because each computer can transfer to other computers. For example, computers (21a) and (21b) can transfer data to computer (1), and computer (1) can transfer data to any of the other computers (21a, 21b, 21c). The system of FIG. 1 includes a series of databases (3, 23a, 23b, 23c), a series of update detection utilities (the update managers 31a and logs 35a, for example, which reside at each of the servers). The communication interfaces are the docking systems (25a, 25b). As described at col. 5, line 8 through col. 6, lines 27, and in particular, col. 6, lines 22-27, the central server (1) can detect the existence of updates and automatically forward the updates to any one of the servers (21a, 21b, 21c). The updates are automatically installed so that that the servers are synchronized with each other.

Claim 2: When one of the servers, such as 25(a), is docked to the central server (1), it presents a hard-wired connection in the network.

Claim 3: When one of the servers, such as (25c), is not docked to the central server. It resides in a wireless state by reason that it is not connected to the central server.

Claim 5: Updates residing on the central computer (1) can be routed to any of the other servers (21a, 21b, 21c) via the docking structure (5).

Claim 6: FIG. 1 is a distributed communications network.

Claim 7: FIG. 1 is a local area network of distributed communications, since it involves direct client-server connections.

Claim 8: See remarks for claim 1.

Claim 9: See remarks for claim 2.

Claim 10: See remarks for claim 3.

Claim 12: See remarks for claim 5.

Claim 13: See remarks for claim 6.

Claim 14: See remarks for claim 7.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen et al. in view of Official Notice.

Claim 4: Examiner takes Official Notice that XML and PHP are standardized programming languages that were widely known in the art at the time of invention. It would have been obvious to one of ordinary skill in the art to modify Brodersen et al. to incorporate XML or PHP into either the programming of the servers or the content of the updates since both are desirable standards that are widely used in the computer programming arts.

Claim 11: See remarks for claim 4.

Remarks

With respect to Brodersen et al., applicant argues that in FIG. 1, only the central computer system (1) is a server system and that the remaining systems must be client systems. This argument has been fully considered, but examiner does not agree with this characterization of the Brodersen et al. reference. In response to the first office action, applicant provided a definition of a “server” from Webopedia and asserts that this definition prevails as the definition of a server. The definition defines a server as:

“A computer or device on a network that manages network resources”.

By this definition, all of the elements (1, 21a, 21b and 21c) are servers because each are computers that performs management functions of network resources. In particular, element (1) has a log manager (9) and update manager (11) while elements (21a, 21b, 21c) have update managers (31a, 31b, 31c). Accordingly, examiner maintains that each of these elements have management capabilities and are thus servers according to the definition which has been provided.

Applicant also argues that Brodersen et al. does not teach automatic detection of updates and automatic receipt of updates, but asserts that these actions are performed by a manual operator. Examiner maintains that the central server (1) performs both of these functionalities automatically. In particular, the update manager (11) working in conjunction with the log manager (9) will detect and log and updates that are entered into the central server (1) and then forward the update to the remote database (23a). While the user makes the document changes

the initiate the updating process, the user in Brodersen et al. does not manually detect the update, nor does the user manually load new updated data into the remote database.

With respect to the rejections under 35 USC 103, applicant argues that the examiner has not provided documentation to support the assertion that XML and PHP are well known standards in the art. However, MPEP 2144.03 states that the taking of Official Notice without documentary evidence is permissible in some limited situations, particularly where the facts asserted to be well known are capable of instant and unquestionable demonstrations. Examiner maintains that industry accepted standards fall into this exception area, as they are well known and widely available for usage by computer users and developers. Accordingly, examiner maintains that the taking of Official Notice is proper and the reasons provided in support of obviousness are properly provided.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2175

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', with a stylized flourish at the end.

Sam Rimell
Primary Examiner
Art Unit 2175